

it was a prophylactic; and those in the labeling of the lot that bore no brand name that it was a rubber prophylactic, was of excellent quality, was guaranteed for 5 years, and was air-tested, were false and misleading.

On February 8, April 19, June 5, and August 17, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

258. Adulteration and misbranding of prophylactics. U. S. v. 100 Gross of Prophylactics (and 5 other seizure actions against prophylactics). Default decrees of condemnation and destruction. (F. D. C. Nos. 717, 753, 1336, 1337, 1397, 1398, 1427, 1655. Sample Nos. 61248-D, 61249-D, 61363-D, 70172-D, 70173-D, 76846-D, 76847-D, 76848-D, 79501-D, 15421-E.)

Between October 13, 1939, and March 19, 1940, the United States attorneys for the Northern District of Illinois, District of Maryland, Eastern District of Louisiana, Middle District of Pennsylvania, Northern District of Alabama, and the Western District of Tennessee filed libels against 100 gross of prophylactics at Chicago, Ill.; 149 gross at Baltimore, Md.; 74 gross at New Orleans, La.; 22 gross at Harrisburg, Pa.; 21 gross at Birmingham, Ala.; and 104 gross at Memphis, Tenn., alleging that the article had been shipped in interstate commerce within the period from on or about July 20, 1939, to on or about February 27, 1940, by Gotham Sales Co. from New York, N. Y.; and charging that it was adulterated and that certain shipments were also misbranded. One lot was labeled in part: "Made from Liquid Latex Distributed by Gotham Rubber Co. Chicago, Ill." The remaining lots bore the following brands: "Rx 95," "Rx 96," "Rx 97," "Liquitex," "Saf-T-Way," "Saf-T-Skin," "Tally-Ho," or "Crescent."

The article in all shipments was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

Misbranding of certain shipments was alleged in that representations in the labeling of the Rx 96 and Rx 97 that it was a reliable prophylactic, was guaranteed for 5 years, was air-tested, and would prevent disease; those in the labeling of the Saf-T-Way that it was a safe prophylactic and was air-tested, and those in the labeling of the Saf-T-Skin that it was a modern, dependable prophylactic, that it would prevent disease, and was manufactured of finest quality latex rubber, were false and misleading. On November 8 and 29, 1939, and February 17, March 9, April 12, and May 1, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

259. Adulteration and misbranding of prophylactics. U. S. v. 89 Gross and 18½ Gross of Prophylactics. Default decrees of condemnation and destruction. (F. D. C. Nos. 1875, 1927. Sample Nos. 10198-E, 10200-E.)

On April 25 and May 7, 1940, the United States attorney for the District of New Jersey filed libels against 107½ gross of prophylactics at Newark, N. J., alleging that the article had been shipped in interstate commerce within the period from on or about February 29 to on or about March 6, 1940, by Joseph Jacobs from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part "Pure Tex."

It was alleged to be adulterated in that its quality fell below that which it was purported or was represented as possessing.

It was alleged to be misbranded in that the representations in the labeling that it was a prophylactic, was for use in the prevention of disease, and was of an excellent quality, were false and misleading.

On June 19, 1940, no claimant having appeared, judgments of condemnation were entered and the article was ordered destroyed.

260. Adulteration and misbranding of prophylactics. U. S. v. 612 Gross of Prophylactics (and 7 other seizure actions against prophylactics). Default decrees of condemnation and destruction. (F. D. C. Nos. 1341, 1562, 1584, 1614, 1689, 1717, 1728, 1853. Sample Nos. 61357-D, 61701-D, 61702-D, 77746-D, 81423-D, 3112-E, 3114-E, 3138-E, 8072-E.)

Between January 15 and April 22, 1940, the United States attorneys for the Northern and Western Districts of Texas, the Eastern District of Pennsylvania, the District of Minnesota, and the Western District of Pennsylvania filed libels against 612 gross of prophylactics at Dallas, Tex.; 50 gross at Philadelphia, Pa.; 71 gross at San Antonio, Tex.; 96 gross at Minneapolis, Minn.; and 155 gross at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about March 11, 1939, to on or about April 2, 1940, by Killashun Sales Division from

Akron and Dayton, Ohio; and charging that it was adulterated and that certain lots were also misbranded. Certain shipments were variously labeled in part: "Liquid Latex," or "Silver-Tex," or "Genuine Les Liquid Latex." One shipment was labeled in part: "Pickaniny Brand Supreme Goldbeaters * * * Manufactured by Olympia Lab. Atlanta, Ga." One shipment was stamped: "Killian Mfg. Co. Akron, Ohio."

The article was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

Misbranding was alleged with respect to certain lots in that the representations in the labeling of the Liquid Latex brand that it was a prophylactic, was guaranteed for 5 years, and was effective for the prevention of disease; those in the labeling of the "Genuine Les Liquid Latex" brand that it was effective for the prevention of disease and was guaranteed for 5 years; those in the labeling of the Pickaniny brand that it was made from choice materials, represented a high quality, and would be effective for the prevention of disease; and those in the labeling of one shipment of the Silver-Tex brand that it was a disease preventative and was guaranteed for 5 years against deterioration under normal conditions, were false and misleading.

On February 23 and 24, March 25, April 22, and May 7, 13, and 14, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

261. Adulteration and misbranding of prophylactics. U. S. v. 24 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 1493. Sample No. 61619-D.)

On or about February 17, 1940, the United States attorney for the Southern District of Texas filed a libel against 24 gross of prophylactics at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about January 5, 1940, by International Distributors from Memphis, Tenn.; and charging that it was adulterated and misbranded. The article was labeled in part: "Silver-Tex * * * Manufactured by the Killian Mfg. Co., Akron, Ohio."

It was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

The article was alleged to be misbranded in that the representations in the labeling that it was a disease preventative and would be efficacious for prevention of disease, were false and misleading.

On March 19, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

262. Adulteration and misbranding of prophylactics. U. S. v. 14 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 1918. Sample No. 10621-E.)

On May 6, 1940, the United States attorney for the District of Connecticut filed a libel against 14 gross of prophylactics at Waterbury, Conn., alleging that the article had been shipped in interstate commerce on or about March 16, 1940, by J. Keller from Springfield, Mass.; and charging that it was adulterated and misbranded. The article was labeled in part: "Liquid Latex Triple Tested Protectors."

It was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

It was alleged to be misbranded in that its labeling bore representations that it was a most perfect product, was guaranteed against deterioration for 5 years, would be effective for the prevention of contagious disease, was a protector, and was triple-tested, which were false and misleading.

On September 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

263. Adulteration and misbranding of prophylactics (shorts). U. S. v. 15 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 657. Sample No. 74021-D.)

On October 4, 1939, the United States attorney for the District of Rhode Island filed a libel against 15 gross of prophylactics at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about September 8, 1939, by Lorica Laboratories, Inc., from Jersey City, N. J.; and charging that it was adulterated and misbranded. The article was labeled in part: "Lorica Transparent Shorts."

It was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.